IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

LA. App. No. 1652 of 2002

LAR.278/1999 of ADDL.SUB COURT,KOTTAYAM
.....

APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R DEEPA.

RESPONDENT/CLAIMANT:

JOSEPH, S/O. VARKEY,
EDAYANTHRATHIL HOUSE, ARPOOKARA KARA,
ARPOOKARA VILLAGE, KOTTAYAM.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1652 OF 2002

Dated this the 13th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 278/1999 on the file of Additional Sub Court, Kottayam. The extent of land involved is only 1.20 Ares. Acquisition is for the construction of parallel road to M.C. Road from Kottayam to Gandhinagar IInd reach. Section 4(1) notification is dated 21.03.1995. The acquired land is included in category 'C'.

2. Though the claimant had a case for compensation at the rate of Rs. 1,00,000/- per cent and though heavy reliance was placed on Exhibit A1 document and also Exhibit A4 judgment in L.A.R. No. 12/1995 where the reference court fixed the land value at the rate of Rs. 55,000/- per cent, taking note of the fact that the acquired property is not similarly situated as the properties covered by Exhibit A1 and A4, the reference court refused to follow the land value as per those documents.

3. However, taking note of the importance of the locality and also the fact that the property is situated within 1KM of temple, schools, medical college etc. and that the distance to Kottayam town is only 5 KMs, the value has been enhanced by 60% over the value fixed by the Land Acquisition Officer, that is 60% over Rs. 40,755/- per Are.

In the facts and circumstances of the case referred to above, we are of the view that the fixation of market value by the reference court is just, reasonable and proper. Thus, there is no merit in this appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1652 OF 2002

J U D G M E N T

13.09.2007